

## How Human Rights to Water and Sanitation Promote Gender Equality

**Introduction:** Lack of access to safe drinking water and sanitation affects women in particular. The challenges women and girl particularly face are described below for the areas of hygiene, water and sanitation:

**Hygiene** - Silence and stigma surrounding menstruation makes finding solutions for menstrual hygiene management a low-priority. Menstruating women and girls often lack a private place to change or wash rags used during menstruation. Menstruation has many different negative cultural attitudes associated with it, including the idea that menstruating women and girls are 'contaminated', 'dirty', 'impure', or 'polluted'. These 'taboo' concerning menstruation manifests in practices such as seclusion of women and girls, reduced mobility, dietary restrictions, being required to use different water sources, or being prohibited from preparing food for others during menstruation – practices that are often deeply rooted in socio-cultural and patriarchal interpretations of religious prescriptions. Even where such restrictions are not followed, women and girls may continue to harbour internalized stigma around menstruation and are embarrassed to discuss menstruation. The lack of privacy for cleaning and washing, the fear of staining and smelling, and the lack of hygiene in school toilets are major reasons for being absent from school during menstruation – negatively impacting on girls' right to education.

**Water** - Women and girls do most of the water collecting if drinking water is not available on the premises. Collecting and carrying water takes time and is a heavy burden on them. This also helps to explain the very large gender gaps in school attendance in many countries. It is not rare for women to spend up to four hours a day walking, queuing and carrying water, time that could be put to productive activities or housework and childcare. The water collected is often dirty and from unprotected sources. Women's health can be particularly affected by the heavy burden of carrying water, as well as by water contact diseases such as schistosomiasis. Women and girls are also the ones normally taking care of ill relatives –hence, even when they do not personally suffer from water borne diseases, they will indirectly suffer from children's and men's water borne diseases, since they will have to take care of them.

**Sanitation** - The disproportionate impact of lack of access to sanitation on girls and women has been well researched. Girls often drop out of school when their menstruation begins since schools frequently lack "girls only" or otherwise appropriate sanitation facilities. When relatives become sick from sanitation-related diseases, women and girls often stay home to care for them, missing work and school. Furthermore, women and girls face security risks when they are forced to relieve themselves or to defecate in the open, or walk to toilets

in the dark. Because of widespread discrimination against women, they are not included in the formulation of relevant policies and, therefore, their needs tend to be neglected.

Why does the human right to water and sanitation help in overcoming these gender disparities?

- Human rights set an absolute obligation to put an end to discrimination, including discrimination against women and promoting gender equality. With human rights this is not an **option**, but rather a legally binding obligation.
- Human rights are legally binding on States. For example the Convention on the Rights of the Child has been ratified by 192 countries and the Convention on the Elimination of all Forms of Discrimination Against Women has been ratified by 187 States. This means that virtually every single country on earth is **obliged** to put an end to discrimination against women and girls, as a matter of a legal obligation! So, these two treaties, are two excellent entry points for water and sanitation advocates to call for implementation of water and sanitation for all and for special measures aimed at targeting the particular situation of women and girls.
- Human rights determine that specific policies and measures must be put in place to address and prioritize the particular needs of the most neglected, vulnerable and marginalized groups of the population – including women and girls. This means that human rights do not believe in the “trickle down” effect of policies, namely that by targeting the general population, the effects of progress will trickle down and benefit the most vulnerable. For human rights, on the contrary, policies must **explicitly target and prioritize women and girls**, in order to making sure that they benefit from safe, adequate and affordable water and sanitation at all times.
- Human rights also foresee the possibility of adoption of temporary positive measures (or **positive discrimination** measures) to ensure that equality between men and women is (re)established.
- Human Rights set other specific obligations upon governments, as for example:
  - **The obligation to respect**

The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of the right to water.

- **The obligation to protect**

The obligation to protect requires States to prevent third parties from interfering with the right to water. States should adopt legislation or other measures to ensure that private actors—e.g., industry, water providers or individuals—comply with human rights standards related to the right to water. States should, for instance, adopt the necessary legislative and other measures to ensure that the physical security of women and children is not at risk when they go to collect water or use sanitation facilities outside the home.

- **The obligation to fulfill**

The obligation to fulfill requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to water.

States must, among other things, adopt a national policy on water that: puts women's and girls needs at the center; ensures that every school built contains sex segregated toilets; defines the objectives for the extension of water services, with a focus on disadvantaged and marginalized groups; monitors results and outcomes, including ensuring adequate remedies for violations.

Under the obligation to fulfill, States must also, progressively and to the extent allowed by their available resources, extend water and sanitation services to vulnerable and marginalized groups; make water and sanitation services more affordable; ensure that there is appropriate education about the proper use of water and sanitation, protection of water sources and methods to minimize waste.

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